

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-1140V

Filed: May 29, 2018

UNPUBLISHED

TRAMELLA HINTON, as mother, and
natural guardian of
SHAWN'QUAVIOUS A'DREZ
HINTON, an incapacitated and
disabled person,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Ruling on Entitlement; Respondent
Will Not Defend; Causation-In-Fact;
Influenza (Flu) Vaccine; Guillain-
Barre Syndrome (GBS)

Bruce William Slane, Law Offices, White Plains, NY, for petitioner.

Colleen Clemons Hartley, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On September 14, 2016, petitioner, Tramella Hinton, as the mother and natural guardian of Shawn'Quavious A'drez Hinton ("Shawn") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the "Vaccine Act"). Petitioner alleges that her son suffered injuries, including the Acute Inflammatory Demyelinating Polyneuropathy ("AIDP") variant of Guillain-Barré syndrome ("GBS") that was caused-in-fact by the adverse effects of an influenza ("flu")

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

vaccination Shawn received on December 21, 2015. Amended Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 25, 2018, respondent filed his Rule 4(c) report in which he states that he will not defend this case. Respondent's Rule 4(c) Report at 7. Specifically, respondent states that "[m]edical personnel at the DICP have reviewed the petition and medical records filed in the case. DICP chooses not to defend this case." *Id.* at 7. Respondent further "recommends that the Court issue an entitlement decision in this matter, where respondent chooses not to defend this case." *Id.* at 8.

In view of respondent's position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master